

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

Plaintiff,

v.

NOAH MADRANO

Defendant.

Case No.: 3:22-cr-00328-MO

**CRIMINAL TRIAL
MANAGEMENT ORDER**

Criminal Trial Management Order as to Noah Madrano (1) (USM #).

ANY RESCHEDULING REQUEST SHALL BE MADE IN WRITING AT LEAST TWO WEEKS PRIOR TO THE TRIAL DATE. WITHIN THE MOTION TO CONTINUE, COUNSEL NEEDS TO STATE IF DEFENDANT AGREES WITH THE REQUEST AND IF OPPOSING COUNSEL AGREES. THE MOVING PARTY SHOULD CONTACT THE OTHER SIDE AND STATE THEIR POSITION WITHIN THE MOTION.

A 5-DAY JURY TRIAL IS SET FOR DECEMBER 13, 2022, in Portland Courtroom 16 before Senior Judge Michael W. Mosman.

(1) **Fourteen days** prior to the pretrial conference (if no pretrial conference scheduled, then fourteen days prior to the first day of trial), the parties shall simultaneously file:

- (a) all motions *in limine*;
- (b) trial memoranda;
- (c) requested jury instructions (an electronic copy in Word sent to chambers_mosman@ord.uscourts.gov and an electronic copy on CM/ECF);
- (d) proposed *voir dire* questions (an electronic copy in Word sent to chambers_mosman@ord.uscourts.gov and an electronic copy on CM/ECF);
- (e) exhibit list;
- (f) exhibits (copies of each numbered, copyable exhibit shall be supplied to the court and opposing counsel; original exhibits shall be submitted at the time of trial; both the original and the judges copies of all trial documents and exhibits shall be three-hole punched and placed into binders with clearly marked index tabs; and all staples and clips shall be removed from the copies of the exhibits which are placed in the three-ring binders);
- (g) expert witness list and summaries of any expert testimony;
- (h) verdict form (an electronic copy in Word sent to chambers_mosman@ord.uscourts.gov and an electronic copy on CM/ECF);
- (i) the government shall file a complete witness list with a brief description of each witness testimony;

(j) the defendant may choose to file publically, a witness list with a brief description of each witness testimony, but the defendant(s) must file a witness list and witness statements ex parte and under seal with the court.

(2) **Seven days** prior to the pretrial conference (if no pretrial conference scheduled, then seven days prior to the first day of trial), by 3:00 p.m., any responses to the above documents shall be filed. The Court uses the JERS system. Exhibits in electronic format should be provided to the Courtroom Deputy on a flash drive on the day of the pretrial conference, or if there is no pretrial conference within two days of the Courts ruling on which exhibits are admitted for use at trial. The Court advises the parties that exhibits that are admitted before trial but not mentioned in some way during trial will not be provided to the jury during their deliberations.

The Court will finalize jury instructions following the PTC so that jurors may be given a copy on the first day of trial. Prior to the PTC, the parties should thoroughly examine their proposed instructions for substantive, grammatical, and typographical errors. The Court will not accept edits to the jury instructions following the PTC without good cause.

**NO LATE OR SUPPLEMENTAL FILINGS OF THE ABOVE PRETRIAL DOCUMENTS
WILL BE RECEIVED WITHOUT JUST CAUSE SHOWN.**

IT IS SO ORDERED.

DATED this 1st day of November, 2022

/s/Michael W. Mosman

Honorable Michael W. Mosman
United States Senior District Judge.

**UNITED STATES DISTRICT COURT
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Plaintiff,

v.

NOAH MADRANO

Defendant.

Case No.: 3:22-cr-00328-MO

**SUPPLEMENTAL JURY TRIAL
MANAGEMENT ORDER
REGARDING THE JERS SYSTEM**

To facilitate the use of the Jury Evidence Recording System (JERS) during trial in this action:

At the Pretrial Conference the parties must submit their trial exhibits to the Court in electronic form. The requirements for electronic trial exhibits are posted in the *Submission Requirements for Electronic Trial Exhibits* document located on the Court's website at ord.uscourts.gov/electronic-exhibits. The Court reminds the parties that, while many exhibits may be pre-admitted, *only* those exhibits actually used in trial during witness examination **and** published to the jury will be sent to the jury during their deliberations. Accordingly, the Court encourages the parties to only submit electronic trial exhibits that they plan to use during trial.

Parties need not change the naming of their files to use JERS; however, the name of the file in the text list must be the same as the name of the file on the flash drive submitted to the Court. Because the jury will see the file name of the exhibit, the parties are cautioned to use neutral names for their exhibits, *e.g.* do not use the name "the smoking gun". If the Court deems the file names too prejudicial, the jury will see only the number of the exhibit, not the file name. If an exhibit exceeds JERS file-size capacity, the parties can proceed one of two ways. Split the exhibit into parts by re-encoding the large file into several files. The split files then become exhibit 1a, 1b, 1c, and so on. Or the parties may request, if splitting the file is impossible, that the file be made available for viewing as a single exhibit outside of JERS but on the JERS cart using the windows media player. It is possible to make other oversized files such as spreadsheets available outside of JERS, but if the oversized file results from difficulty converting the file into a PDF, the parties must resolve this issue. Exhibits outside of JERS are reserved for true oversized files.

DATED this 1st day of November, 2022

/s/Michael W. Mosman

Honorable Michael W. Mosman
United States Senior District Judge.

SUBMISSIONS REQUIREMENTS FOR THE JERS SYSTEM

Introduction

The District of Oregon uses the Jury Evidence Recording System (JERS) to display electronic exhibits to the jury during deliberations. This document describes the requirements and procedures parties and counsel are to follow when submitting electronic trial exhibits to the Court. To facilitate the use of JERS, parties and counsel should plan how exhibits may be prepared for electronic submission before they begin the discovery process and as they prepare exhibits for trial. Physical exhibits are to be handled in accordance with the trial judge's instructions.

Prior to Trial

The submission of the electronic evidence files should occur after the parties are reasonably certain that the lists are complete to avoid a piecemeal submission of files to the Court. See Submission Requirements for Electronic Trial Exhibits for more information on accepted file types, sizes, and other requirements.

How to Submit Electronic Exhibit Files

You will organize This is what the Jury will see:

your exhibits in such a way that they can be imported into the Jury Evidence Recording System (JERS). You will be responsible for numbering your exhibits and giving each a good description. The Court Room Deputy (CRD) will give it the prefix of Def or Pla.

Press Button to View an Exhibit	Book-mark	
1	<input checked="" type="checkbox"/>	Hotel Receipt
Def 3	<input checked="" type="checkbox"/>	Photograph of Bank Interior
Def 4	<input checked="" type="checkbox"/>	Diagram of House
Def 5-a	<input checked="" type="checkbox"/>	Video of Explosion
Def 6-a	<input checked="" type="checkbox"/>	Photograph of Burning Exterior of House
Def 6-b	<input checked="" type="checkbox"/>	Photograph of Damaged Exterior of House
Def 6-c	<input checked="" type="checkbox"/>	Photograph of Damaged Interior of House
Def 7	<input checked="" type="checkbox"/>	Police Car Video
Def 8	<input checked="" type="checkbox"/>	Police Radio
Def 9	<input checked="" type="checkbox"/>	Photograph of Gun
Def 10	<input checked="" type="checkbox"/>	Photograph of Gun Close-up
Def 11	<input checked="" type="checkbox"/>	Photograph of Cell Phone
Def 12	<input checked="" type="checkbox"/>	Crime Lab Report
Def 13	<input checked="" type="checkbox"/>	Miranda Form

Load your exhibits onto a USB drive (thumb drive), DVD, CD, or external USB hard drive. It is helpful to number your exhibits and give each a user-friendly description.

Name	Type
Ex. 1 Hotel Receipt.pdf	Microsoft Edge PDF Document
Ex. 3 Photograph of Bank Interior.JPG	JPG File
Ex. 4 Diagram of House.pdf	Microsoft Edge PDF Document
Ex. 5a Video of Explosion.mpg	MPG Video File (VLC)
Ex. 6(a) Photograph of Burning Exterior of House.jpg	JPG File
Ex. 6(b) Photograph of Damaged Exterior of House.jpg	JPG File
Ex. 6(c) Photograph of Damaged Interior of House.jpg	JPG File
Ex. 7 Police Car Video.mpg	MPG Video File (VLC)
Ex. 8 Police Radio.wav	WAV Audio File (VLC)
Ex. 9 Photograph of Gun.pdf	Microsoft Edge PDF Document
Ex. 10 Photograph of Gun Close-up.pdf	Microsoft Edge PDF Document
Ex. 11 Photograph of Cell Phone.pdf	Microsoft Edge PDF Document
Ex. 12 Crime Lab Report.pdf	Microsoft Edge PDF Document
Ex. 13 Miranda Form.pdf	Microsoft Edge PDF Document
Exhibits.txt	Text Document

Electronic exhibits must be in the following formats:

- Documents > .pdf
- Images > .jpg, .gif, .png, .pdf
- A/V Recordings > .avi, .mpg, .mp3, .mp4

File sizes must not exceed 500MB.

Exhibits exceeding this size limit must be separated into smaller files.

Images may be reduced in size by reducing their dimensions, usually with minimal effect on viewing quality.

PDF file types are to be in PDF/A format and should be reduced in size using tools and features like Adobe Acrobat's 'Reduce File Size'. Information about PDF/A is available at ord.uscourts.gov/e-filing-protocols.

Documents and images must be properly oriented for viewing.

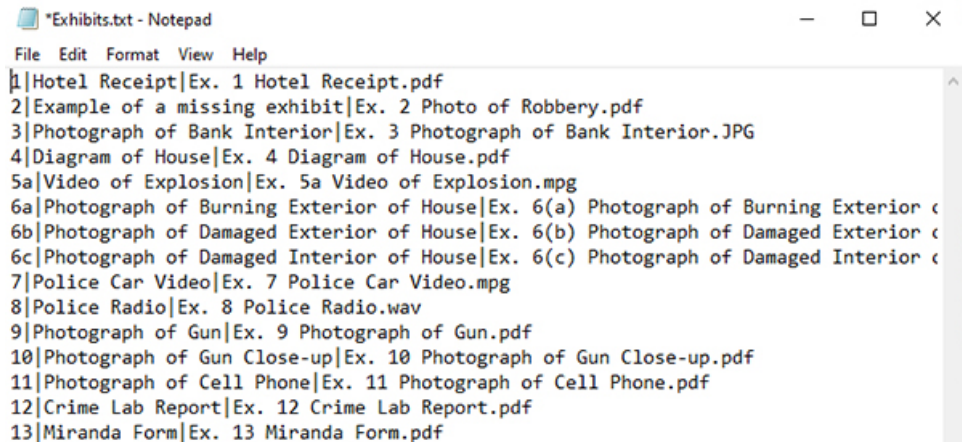
Create a text file on your USB drive called ***Exhibits.txt***

This will act as the instructions for the JERS software to import your electronic exhibits into the JERS database.

It has three components:

1. Exhibit Number
2. Exhibit Description
3. Exhibit File Name

Separate each of those components with the "pipe" symbol (|).



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File Edit Format View Help
1|Hotel Receipt|Ex. 1 Hotel Receipt.pdf
2|Example of a missing exhibit|Ex. 2 Photo of Robbery.pdf
3|Photograph of Bank Interior|Ex. 3 Photograph of Bank Interior.JPG
4|Diagram of House|Ex. 4 Diagram of House.pdf
5a|Video of Explosion|Ex. 5a Video of Explosion.mpg
6a|Photograph of Burning Exterior of House|Ex. 6(a) Photograph of Burning Exterior of House.jpg
6b|Photograph of Damaged Exterior of House|Ex. 6(b) Photograph of Damaged Exterior of House.jpg
6c|Photograph of Damaged Interior of House|Ex. 6(c) Photograph of Damaged Interior of House.jpg
7|Police Car Video|Ex. 7 Police Car Video.mpg
8|Police Radio|Ex. 8 Police Radio.wav
9|Photograph of Gun|Ex. 9 Photograph of Gun.pdf
10|Photograph of Gun Close-up|Ex. 10 Photograph of Gun Close-up.pdf
11|Photograph of Cell Phone|Ex. 11 Photograph of Cell Phone.pdf
12|Crime Lab Report|Ex. 12 Crime Lab Report.pdf
13|Miranda Form|Ex. 13 Miranda Form.pdf
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Exhibit Number
The Exhibit Number will be visible to the Jury.

It can have sub-parts (1a, 1b, 1c, etc.)

Do not include leading zeros in exhibit numbers.

Exhibit Description
Give a description that the Jury will find helpful.

DO NOT use prejudicial names or descriptions.

The Court may choose to release the exhibits without including the descriptions.

Example of one line of the Exhibits.txt file:

Press Button to View an Exhibit	Book-mark	
Def 1	<input checked="" type="checkbox"/>	Hotel Receipt
Def 3	<input checked="" type="checkbox"/>	Photograph of Bank Interior
Def 4	<input checked="" type="checkbox"/>	Diagram of House
Def 5-a	<input checked="" type="checkbox"/>	Video of Explosion
Def 6-a	<input checked="" type="checkbox"/>	Photograph of Burning Exterior of House
Def 6-b	<input checked="" type="checkbox"/>	Photograph of Damaged Exterior of House
Def 6-c	<input checked="" type="checkbox"/>	Photograph of Damaged Interior of House
Def 7	<input checked="" type="checkbox"/>	Police Car Video
Def 8	<input checked="" type="checkbox"/>	Police Radio
Def 9	<input checked="" type="checkbox"/>	Photograph of Gun
Def 10	<input checked="" type="checkbox"/>	Photograph of Gun Close-up
Def 11	<input checked="" type="checkbox"/>	Photograph of Cell Phone
Def 12	<input checked="" type="checkbox"/>	Crime Lab Report
Def 13	<input checked="" type="checkbox"/>	Miranda Form

Name
Ex. 1 Hotel Receipt.pdf
Ex. 3 Photograph of Bank Interior.JPG
Ex. 4 Diagram of House.pdf
Ex. 5a Video of Explosion.mpg
Ex. 6(a) Photograph of Burning Exterior of House.jpg
Ex. 6(b) Photograph of Damaged Exterior of House.jpg
Ex. 6(c) Photograph of Damaged Interior of House.jpg
Ex. 7 Police Car Video.mpg
Ex. 8 Police Radio.wav
Ex. 9 Photograph of Gun.pdf
Ex. 10 Photograph of Gun Close-up.pdf
Ex. 11 Photograph of Cell Phone.pdf
Ex. 12 Crime Lab Report.pdf
Ex. 13 Miranda Form.pdf
Exhibits.txt

The only allowable punctuation in descriptions and file names are: underscores, spaces, parentheses, and periods.

Exhibit Filename

Filenames must not exceed 208 characters in length.

Formatting Exhibits.txt

The Exhibit Filename in the Exhibits.txt must be the same as your Filename on the USB drive.

There are no spaces before or after the "|" symbol.

After the files are imported into JERS, they will be reviewed by the Courtroom Deputy Clerk (CRD). If there are any illegible exhibits or other file errors, the CRD will contact the offering party and request a corrected file.

During Trial

At the conclusion of each trial day, parties may be required to review the exhibits admitted into evidence with the CRD in order to limit the time between closing arguments and when the exhibits may be released to the jury to begin deliberations.

If necessary, additional exhibits may be submitted by the parties to the CRD during trial. The file type requirements outlined above still apply, and the electronic exhibit file(s) must be submitted on USB flash media (*i.e.*, thumb drive), external USB hard drive, DVD, or CD. An 'Exhibits.txt' file, however, will not be required.

Final Review of Exhibits

Prior to closing arguments, the parties are to confer for a final review of those exhibits to be released to

the jury. The parties should anticipate extra time for this review. Exhibits not marked as "admitted" will not be released to the jury.

Prior to Deliberations

Jurors will watch a tutorial video explaining how to use JERS, which covers selecting and viewing documents; starting, pausing, and stopping videos; and other functions to review evidence.

Questions

Contact the Judge's Courtroom Deputy Clerk for questions regarding JERS.